

**COLUMBUS BOARD OF ZONING APPEALS
123 WASHINGTON STREET
COLUMBUS, INDIANA**

The Columbus Board of Zoning Appeals met at 6:30 p.m., November 26, 2002 in the Council Chambers, second floor of City Hall, 123 Washington Street, Columbus, Indiana for its monthly meeting.

Members Present: David Fisher, Acting Chairman; Karen Dugan;
Mary Ferdon; Gary Nienaber; Mike Thomasson;
Eric Frey and Fred Stadler, alternates

Staff Present: Roger Hunt, Planning Director; Brian Thompson,
Asst. Code Enforcement Officer; Eric Hayes, Deputy City
Attorney; Thom Weintraut; Marcus Hurley; and
Judith K. Walters

Mr. Fisher opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Mr. Hayes, acting as a notary, administered the oath to those in attendance that will offer testimony on behalf of the cases presented tonight.

DOCKET NO. C/DS-02-16 – IRWIN UNION BANK (CONTINUED)

A request to allow a structure to encroach into the required setback line of State Road 46. The property is located in the Westhill Shopping Center.

Mr. Fisher announced that Ms. Dugan will chair this case and excused himself from the hearing.

Orwic Johnson, surveyor; Todd Williams, architect; and Michael Reid gave their names for the record.

Mr. Hurley read the staff report into record, noting the applicant had re-addressed Criteria #3 and #4, that the staff feels has not been met, along with #5 that isn't in harmony with the intent of the zoning ordinance.

Mr. Hunt said there is an alternative setback and he also concluded that the criteria haven't been met.

Mr. Johnson introduced Al Roszcyk of Irwin Union from the audience. Mr. Johnson said the lot has been owned by Irwin Union for 20 years, and will now require a variance for development. He noted several of the Board members present tonight weren't at the last meeting.

The staff video was presented.

DISCUSSION: aesthetics; green area; landscaping; pedestrian safety; vehicular access; INDOT land acquisition; parking in setback; alternative site plans and building location; teller vision; reduce walk-in customer traffic; drive-through banking; terrain and slope of lot; highway changes; streets in West Hill.

The meeting was opened for public comment.

Nolan Bingham, architect, provided design comments and possible location changes for the proposed site, noting he isn't against developing the site.

Mark Vassey, president of Jackson County Bank, said he isn't against the request but felt the building design could be changed to fit the lot or purchase additional property, but there are other options available.

The public portion of the meeting was closed.

Mr. Thomasson asked for comments from the applicant regarding the discussions.

Mr. Johnson said the building could be moved, sacrificing green space, landscaping and aesthetics. He said he felt the best alternative plan had been presented to the Board for consideration.

Mr. Thomasson moved to deny **C/DS-02-16**, based on the provisional findings of fact, noting the plan doesn't conform with the ordinance and it doesn't meet the criteria of the request.

Ms. Ferdon seconded the motion. It passed with a 5-0 vote.

DOCKET NO. C/CU-02-10 – REX BANKS

A letter requesting the continuance for Mr. Banks was read into record.

Ms. Ferdon so moved, seconded by Ms. Dugan and approved unanimously.

DOCKET NO. C/CU-02-11 – ALTERATIONS AND MOORE/SHERYL BAKER

A request to operate a clothing alteration business in a residence. The property is located at 3131 28th Street.

Sheryl Baker gave her name for the record.

Mr. Hurley read the staff report into record, noting that Ms. Baker is the sole owner/operator. He presented the staff video. He listed some considerations such as the increase in traffic; inadequate size of property; criteria have not been met; traffic congestion that exists in the area; and the conditions that should be included in the motion, if approved: number of days and hours of operation each week; signs; restrict operation to owner; and review the request in one-year.

Ms. Baker explained the parking situation of her family and customers and why she had moved to her residence from a commercial building. She said she may have up to 10 customers in a six-hour period, with two fittings a day. She had sent petitions to neighbors with nine in favor, one against and one unsure.

There was no public comment.

Letters of objection from Mr. and Mrs. James Richard and Kenneth Albert were read into record.

DISCUSSION: parking area; number of vehicles owner by the family; horse trailer; narrow street; business in residential area; hours of operation; number of customers; pick-up/delivery service; neighbor's objections; retired neighborhood.

Ms. Ferdon moved to approve **C/CU-02-11** for six-months with the condition that there shall be no drop-off or pick-up of items at the residence; and the Board will need to review the case in six months.

Ms. Dugan seconded the motion. It passed with a 4-1 vote, Mr. Fisher objecting.

Ms. Ferdon said the Board will review how the pick-up and delivery is working.

DOCKET NO. C/DS-02-18 – CLIFFORD SIMMEN

A request to allow an addition to an accessory structure to encroach into the rear setback. The property is located at 420 Eighth Street.

Mr. and Mrs. Claude Simmen gave their names for the record.

Mr. Hurley read the staff report, noting that not all of the criteria have been met. He said the garage is legally non-conforming, but the addition will not encroach any further into the setback than the rest of the structure.

Mr. Simmen said he lives at 806 Franklin Street. The carriage house used as a residence is at 420 Eighth Street at the rear of the lot and was built in 1900. He said the 200 sq. ft. addition for his equipment will preserve the characteristics of the neighborhood.

Mr. Thomasson moved to grant **C/DS-02-18**, noting the applicant had now satisfied all of the criteria and included the provisional findings in the motion along with the condition that the building or overhang is not to encroach any further than the existing building.

Mr. Nienaber seconded the motion. It passed with a 5-0 vote.

The findings for the following were considered by the Board:

C/CU-02-08 – PENNY HUNDLEY (amended); Mr. Thomasson moved for approval, seconded by Mr. Frye, and approved by a 5-0 vote.

C/CU-02-09 – STEVEN HENRY; Mr. Frey moved for approval, seconded by Mr. Thomasson, and approved by a 5-0 vote.

The minutes for October 22, 2002 were approved.

Mr. Hunt encouraged the Board to attend a January 14, 2003 training session.

Mr. Frye moved to approve, seconded by Mr. Thomasson and approved unanimously.

The next meeting is scheduled for December 26, 2002.

The meeting was adjourned at 8:40 p.m.

David Fisher, Acting Chairperson

Karen Dugan, Secretary

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